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MAILED

JUN 25 2010

OFFICE OF PETITIONS

In re Application of :
Itoh et al. : DECISION ON
Application No. 10/595,995 : APPLICATION FOR
Filed: 05/24/2006 : PATENT TERM ADJUSTMENT
Attorney Docket No. :
2006-0786A :
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT" filed on October 21, 2009. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 455 days to 606 days.

The application for patent term adjustment patent is **GRANTED TO THE EXTENT INDICATED.**

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 605 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On July 23, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application, stating that the patent term adjustment to date was 455 days (455 days of Office delay and 0 days of applicant delay). This application for patent term adjustment was timely filed with or prior to payment of the issue fee.¹

Applicants assert that an adjustment for Office delay of 606 days, rather than 455 days, should be entered pursuant to 37 CFR 1.702(a)(1) for the period from fourteen months after the

¹ PALM records indicate that the issue fee was paid on October 21, 2009.

application fulfilled the requirements of 35 U.S.C. 371 until the date the first Office action was mailed.

Applicants are correct that the application fulfilled the requirements of 35 U.S.C. 371 on May 24, 2006. The period of adjustment for Office delay under 37 CFR 1.702(a)(1) is the number of days, if any, in the period beginning on July 25, 2007, the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 and ending on March 20, 2009, the date of mailing of an action under 35 U.S.C. 132. Therefore, the period of adjustment is 605 days, not 606 days as asserted by applicants.

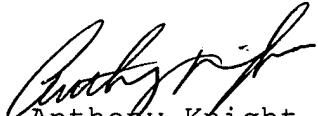
Accordingly, the 455 day period of adjustment for Office delay will be removed, and a 605 day period of adjustment for Office delay will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is six hundred five (605) days (605 days of Office delay and 0 days of applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Anthony Knight
Director
Office of Petitions

Encl: Copy of updated PALM calculation

Day : Wednesday

Date: 6/23/2010
Time: 13:47:29**PALM INTRANET****PTA Calculations for Application: 10/595995**

Application Filing Date:	05/24/2006	PTO Delay (PTO):	455
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	605
PTO Delay Adjustment:	150		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
42	06/23/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	150		
29	07/23/2009	MAIL NOTICE OF ALLOWANCE			
28	07/22/2009	ISSUE REVISION COMPLETED			
27	07/22/2009	DOCUMENT VERIFICATION			
26	07/22/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
25	07/22/2009	NOTICE OF ALLOWABILITY			
24	06/25/2009	DATE FORWARDED TO EXAMINER			
23	05/28/2009	RESPONSE AFTER NON-FINAL ACTION			
22	03/20/2009	MAIL NON-FINAL REJECTION	455		6
21	03/18/2009	NON-FINAL REJECTION			
20	03/17/2009	CASE DOCKETED TO EXAMINER IN GAU			
15	03/11/2009	CASE DOCKETED TO EXAMINER IN GAU			
14	02/28/2009	CASE DOCKETED TO EXAMINER IN GAU			
13	01/07/2009	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	12/29/2008	PG-PUB ISSUE NOTIFICATION			
7	10/06/2008	APPLICATION DISPATCHED FROM OIPE			
6	10/21/2006	371 COMPLETION DATE			
5	09/17/2008	SENT TO CLASSIFICATION CONTRACTOR			
4	09/17/2008	FILING RECEIPT			
3	09/17/2008	NOTICE OF DO/EO ACCEPTANCE MAILED			

Search Another: Application# **EXPLANATION OF PTA CALCULATION****EXPLANATION OF PTE CALCULATION**

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